

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and following remarks.

A. Status of the Claims

Claims 1-3, 5 and 7-11 are pending and have been rejected. Applicants are amending claim 1 to recite that D is “an aromatic ring unsubstituted or substituted with alkyl or alkoxy.” Support for this amendment is found throughout the application as filed, including for example on page 5, line 21. No new matter will be introduced by entry of this amendment. Entry is requested.

In the Office Action issued on January 18, 2006, claims 1-3, 5 and 7-11 were rejected pursuant to 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0236343 to Sato et al. (“Sato ‘343”). The Office Action also rejected claims 1, 3, 5, 7, 9 and 11 pursuant to 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2003/0232903 to Sato et al. (“Sato ‘903”).

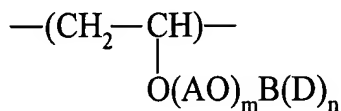
B. Applicants’ Claims Are Patentable Over the Sato ‘343 Application

Applicants respectfully traverse the rejections of claims 1-3, 5 and 7-11. As discussed below, the Sato ‘343 and Sato ‘903 applications cannot anticipate these claims since these applications do not teach, disclose or suggest all of the elements of Applicants’ independent claim 1.

Applicants’ claim 1 recites

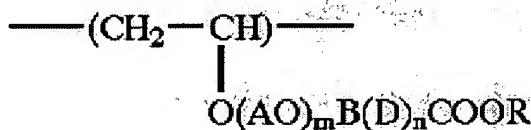
1. A dispersible composition comprising
a polymer compound,
a functional substance, and

a solvent or a dispersion medium,
the polymer compound comprising a monomer unit represented by
the general formula (1)



wherein A is a straight-chain or branched alkylene group of 1 to 15 carbon atoms with or without substitution; m is an integer of 0 to 30, and when m is 2 or more, A is the same or different with each other; B is a single bond or an alkylene with or without substitution; D is an aromatic ring unsubstituted or substituted with alkyl or alkoxy; n is an integer of 1 to 10, and when n is 2 or more, D is the same or different with each other; and wherein the polymer compound is a block polymer; and wherein the functional substance is encapsulated in the polymer compound.

The Sato '343 application is directed to a polymerizable compound, and describes an aromatic block polymer having the general formula:



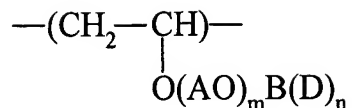
[Sato '343 application at ¶0025].

In this formula, B is a single bond or alkylene, and D is an aromatic ring structure.

[Sato '343 application at ¶0026]. Importantly, a terminal group ---COOR is attached to the B moiety. "R" is a hydrogen atom (i.e., carboxylic acid), an alkyl group with or without substitution, or an aromatic ring structure with or without substitution (i.e., carboxylic ester).

[Sato '343 application at ¶0026].

There is no such terminal group present in Applicants' claim 1, where the recited polymer compound comprising a monomer unit represented by the general formula:



Applicants' polymer compound as recited by claim 1 includes neither a terminal carboxylic acid nor a terminal carboxylic ester. Accordingly, Sato '343 does not teach, disclose, or suggest all of the claim elements of Applicants' amended claim 1. For at least the reasons discussed above, Applicants respectfully submit that amended claim 1 is not anticipated by the Sato '343 and that the §102(e) rejection of claim 1 should be withdrawn. Because claims 2-3, 5 and 7-11 depend therefrom, Applicants believe these claims are also allowable for at least similar reasons.

C. The Sato '903 Application Is Not Proper Section 102(e) Art

The rejection of claims 1, 3, 5, 7, 9 and 11 over the Sato '903 application also is traversed. The office action alleges that the Sato '903 application is prior art to the present application pursuant to Section 102(e) of the Patent Statute. Applicants respectfully disagree.

“In order to apply a reference under 35 U.S.C. 102(e), the inventive entity of the application *must be different* than that of the reference.” MPEP §706.02(f). The inventors of the Sato ‘903 application and the present application are the same:

<u>Sato ‘903 application</u>	<u>Present Application</u>
Koichi Sato	Koichi Sato
Ikuo Nakazawa	Ikuo Nakazawa
Sakae Suda	Sakae Suda
Masayuki Ikegami	Masayuki Ikegami

Accordingly, Applicants respectfully submit that Sato '903 does not qualify as

prior art pursuant to Section 102(e) against the present application and request that the Examiner withdraw the Section 102(e) rejections of claims 1, 3, 5, 7, 9 and 11 based on the Sato '903 application.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5077.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: 5/17/06

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